at the time of her last sailing from the United States, and that no other persons were the owners thereof at that time, as he verily believes.

He further says, that since the capture and detention of the said bark he has received, by the way of Havana, a letter, dated at New York on the sixth day of July last, from J. Adams Cobb, representing himself (the said Cobb) as holding the interest formerly belonging to the aforesaid Creevy and Farewell, of New Orleans, whether absolutely or in trust the aforesaid bailee is unable to declare, inasmuch as he has not received, in consequence of the irregularity of the mails, any other advice or instructions from any of the aforesaid owners.

And he further says, that he is informed and believes that a portion of the cargo of said bark is owned by Charles Caverock & Co., and the residue by other persons whose names are unknown to him; that the same is consigned by bills of lading, to be delivered to these several persons in New Orleans, one set of said bills of lading now being in the possession of this honorable court, and to which this claimant prays reference as the court may be pleased to direct.

He further says, that he is informed by the letter herein before referred to, that the invoices of the cargo of said bark are in New
6 York, and, for the reasons herein before given, he has not been able to lay the same before this honorable court. He therefore prays that he may be permitted to introduce further proof touching the bona fide ownership of the said vessel and cargo. And he will ever pray, &c.

(Signed) BENJ. S. HALLOCK.

Sworn to before me, this 19th day of August, 1861.

GEORGE D. ALLEN, *Clerk.*

And afterwards, to wit, on the twenty-eighth day of September, in the year aforesaid, came the attorney aforesaid, and said claimant by his proctor and advocate, before said court sitting in admiralty, and, proclamation having first been duly made, the court proceeded to hear this cause upon the allegations and testimony taken in preparatorio.

And afterwards, to wit, on the eleventh day of October, in the year aforesaid, the court rendered its decree in this cause in the words and figures following, to wit:

Decree.

7 THE UNITED STATES
vs.
THE BARK PILGRIM AND CARGO.

This bark and cargo having been captured off the mouth of the Mississippi river about the 7th day of July last, and sent into this port for adjudication, and testimony having been taken, and the facts heard and understood, it is now ordered and decreed that sufficient cause for the condemnation of the said bark and cargo is not shown,

and that the same be restored to the master and claimant for and on account of whom it may concern, upon his paying the pilotage on said vessel into port, and the costs and expenses incurred by the marshal in the preservation and keeping of said vessel while in his custody and in the custody of the prize commissioner.

And it is further ordered, that probable and justifiable cause for making said capture did exist.

(Signed) WM. MARVIN, *Judge.*

And now, at this same term, the aforesaid attorney of the United States, after a final decree pronounced and entered in this cause, comes and shows to the court that the value of the vessel the
8 "Pilgrim," her tackle, apparel, and furniture, exceeds the sum of two thousand dollars, and thereupon in open court claims an appeal from said final decree to the Supreme Court of the United States, next to be holden at Washington on Monday the second day of December next, and the same is accordingly allowed.

Attest: GEORGE D. ALLEN, *Clerk.*

Depositions taken in preparatorio before George D. Allen, commissioner, at Key West, July 17th, 20th, 22d, 23d, and 24th, 1861.

9 Deposition of Benjamin S. Hallock, a witness produced, sworn, and examined in preparatorio, on the 17th day of July, in the year 1861, at the clerk's office of the district court of the United States, at Key West, Florida, on the standing interrogatories established by the district court of the United States for the southern district of Florida.

The said witness having been produced for the purpose of such examination by W. R. Clarke, of the United States navy, in behalf of the captors of a certain ship or vessel called the Pilgrim.

1st interrogate. To the first interrogatory deponent answers, that his name is Benjamin S. Hallock; born in Suffolk county, State of New York; has resided in the city of New York for the last seventeen years; is married; family reside in New York.

2d interrogate. To the second interrogatory deponent answers, that he was present; she had no commission.

3d interrogate. To the third interrogatory deponent answers, that she was near Northeast Pass of the Mississippi river, at a place as near as we could make out by our chart at blind day, on Sunday, the 7th day of July, instant; he does not remember of any definite reason being given for the seizure; they were carried into the port of Key West; she sailed under the America colors; she had a Pelican flag, ship's burgee, and flag with the letter H, on board. The
10 Pelican flag was the private signal of the ship's husband, in New Orleans; the flag with the letter H, was the signal of the former owners in New York; no resistance was made to the seizure; she was boarded first by an officer from the United States ship-of-war

Massachusetts; a Dutch ship, and the United States sloop-of-war Brooklyn, were in sight at the time, lying at Pass á l'Ontre, on the 7th day of July; on the morning of the 8th of July, was told by Captain Poor, of the Brooklyn, that he would put a prize crew on board, and send the vessel to Key West; and also provisions for the passage.

4th interrogate. To the forth interrogatory deponent answers, that he is master; first took possession of her some three years or more since, in New York; Wm. H. Hazard delivered possession of said vessel to him; Mr. Hazard was of the firm of Eagle & Hazard, New York; the residence of the master is in New York city; is married; family reside in New York.

5th interrogate. To the fifth interrogatory deponent answers, that the vessel is about three hundred and seventy-eight tons (378); eleven all told, master included; all but one seaman and boy came on board at New York, in November, 1860; shipped by order of the master; one seaman shipped in Mobile, Jan'y 25th, 1861; shipped by
11 master; boy was shipped by master, April 9th, 1861, at Bordeaux.

6th interrogate. To the sixth interrogatory deponent answers, that he owns one-eighth of said vessel; no one else of the officers or mariners had any interest in either vessel or cargo; he belonged to the vessel, and was master; has known her about fourteen years; she was built at Mystic, State of Connecticut.

7th interrogate. To the seventh interrogatory deponent answers, that her name is the Pilgrim; has been so called since she was built; has never known her by any other name; she had ship's register issued at New Orleans by the custom house officers at that port; she sailed from New York on the voyage, Nov. 21st, 1860, or thereabouts, for Mobile; came into the port of Key West in distress, about *about* the 7th of December, 1860; proceeded to the port of Mobile, arrived about the 15th of December, 1860; discharged her cargo; repaired the vessel, and took in a cargo of cotton for Havre, France, and sailed about the 29th day of January, 1861, for the latter port; arrived at Havre about the 7th day of March, 1861; discharged cargo, and sailed for Bordeaux about the 2d day of April, 1861; took in a cargo for New Orleans, and about the 1st day of May proceeded down the river, and went to sea on the 8th of May, bound for the port of New Orleans, where the voyage would have ended, had the vessel not been seized.

12 8th interrogate. To the eighth interrogatory deponent answers, that from New York to Mobile, her cargo was assorted merchandize; from Mobile to Havre, cotton; from Havre to Bordeaux, in ballast; from Bordeaux to New Orleans, she had a cargo of wines, brandy, and sundries, which she had on board when she was seized; no part has been unladen of the said cargo.

9th interrogate. To the ninth interrogatory deponent answers, that Creevy & Farewell, of New Orleans, owned three-fourths ($\frac{3}{4}$) part, and himself one-eighth ($\frac{1}{8}$) part; ——— Ritter, of New York, and ——— ———, of Connecticut, each one sixteenth ($\frac{1}{16}$) part; knew them to

be owners from the register, and advices from her former owners; he believes Creevy & Farewell are Americans; also all of the other owners; Creevy & Farewell reside in New Orleans; believes their families reside there; he believes they are citizens of the United States; himself and ——— Ritter reside in New York; —— ——, in ———, State of Connecticut; all are native born citizens of the United States; himself and —— Ritter, of New York, and —— ——, of ———, Connecticut, have owned their shares in said vessel for three years or more; Creevy & Farewell, of New Orleans, bought (¾) three-fourths of said vessel, about the month of December, 1860; himself bought of Eagle & Hazard, New York, and Creevy & Farewell,
13 bought of the receiver on account of the late firm of Eagle & Hazard, New York.

10th interrogate. To the tenth interrogatory deponent answers, that he only knows of a bill of sale for his own share some three or four years since; cannot recollect about the witnesses or exact time. The bill of sale for his part was left in the custom-house at New York.

11th interrogate. To the eleventh interrogatory deponent answers, that the lading was all put on board at Bordeaux, but at several different times.

12th interrogate. To the twelfth interrogatory deponent answers, that the cargo was shipped and consigned in accordance with the manifest and bills of lading which were found on board. The shippers were unknown to him; and C. Caverack & Co., New Orleans, were the only consignees with whom he is acquainted; does not know how long they have resided at New Orleans. The cargo was to be delivered at New Orleans in accordance with the bills of lading. Does not know what interest the shippers or consignees have in the said cargo.

13th interrogate. To the 13th interrogatory deponent answers, that he cannot tell how many bills of lading were signed. They were in accordance with the cargo shipped, and true.

14th interrogate. To the fourteenth interrogatory deponent answers, that he does not know.

14 15th interrogate. To the fifteenth interrogatory deponent answers, that there was a charter party signed, guaranteeing the sum of two thousand three hundred dollars for the vessel from Bordeaux to New Orleans.

16th interrogate. To the sixteenth interrogatory deponent answers, that she had the papers which have been delivered to the officers of the navy and to the prize commissioner. None were torn up, destroyed, canceled, or thrown overboard.

17th interrogate. To the seventeenth interrogatory deponent answers, that she has never before been seized to his knowledge.

18th interrogate. To the eighteenth interrogatory deponent answers, that he loses his share in the vessel, and freight and perquisites as master, and pay. No indemnity, or satisfaction, or promise thereof has been given him for his loss.

19th interrogate. To the nineteenth interrogatory deponent answers, that the vessel was formerly insured, but does not know at

present whether either vessel or cargo was insured at the time of seizure.

20th interrogate. To the twentieth interrogatory deponent answers, that he does not know.

21st interrogate. To the twenty-first interrogatory deponent answers, that he believes the cargo was of the growth and manufacture of France.

22d interrogate. To the twenty-second interrogatory deponent answers, that the cargo was brought off and taken on board
15 from lighters whilst lying in the river at Bordeaux.

23d interrogate. To the twenty-third interrogatory deponent answers, that none except what were found on board the vessel, and copies of the bills of lading left with the shippers at Bordeaux, which were like those found on board.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that papers were taken by the officers making the seizure, and by the prize master, and by the prize commissioner, and by no one else. The papers taken as aforesaid he does not know where they now are.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that at the time of boarding by the officers of the Massachusetts the main hatch was opened to examine the hold by the order of the officers.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that there were twenty-five passengers on board; none secreted; names as per passenger list, which was exhibited. They were French; does not know anything further about them. No soldiers or mariners on board; no citizens of the United States, except a part of the crew.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that all the papers of either kind were true and fair, and does not know of any circumstance to affect their credit; were obtained through the custom-houses at New York, Mobile, Havre, and Bordeaux, and the consuls at Havre and Bordeaux, and for
16 this ship only, and upon the oath of the persons therein described as far as he knows; he does not know how long they were to last; the usual fees were paid for the same; does not know whether any of the passports have been renewed or not. The vessel was in the ports or country mentioned when the papers were granted. Her register was issued in New Orleans when the vessel was lying in the port of Mobile. The passengers had the usual passports. She had the cusom-house clearances from Bordeaux and Havre.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that on his arrival in Havre, he wrote Creevy & Farewell, New Orleans, that he had arrived all safe. At Bordeaux wrote the same parties concerning funds to pay the expenses of the vessel there, and drew for the amount necessary.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that she was lying at anchor when first boarded, near North-

east Pass. She had not changed her position after seeing the Massachusetts and Brooklyn. She had at all times directed her course towards the port of New Orleans. She had not deviated farther from her course than the wind compelled. She was about four or five miles from Pass à l'Outre; her course was not altered.

30th interrogate. To the thirtieth interrogatory deponent answers, that three-fourths (¾) part of the vessel was sold by the
17 receiver of the late firm of Eagle & Hazard, New York, to Creevy & Farewell, New Orleans, about the month of December, 1860, and that he bought one-eighth part of Eagle & Hazard himself some three or four years since; does not know about any other sales; he paid one thousand five hundred dollars for one-eighth part; does not know the rate paid by the other parties for their shares; for his part it was a true and fair equivalent; he believes if the vessel should be restored it would belong to the same owners, and none others; further he cannot say in regard to the matter.

31st interrogate. To the thirty-first interrogatory deponent answers, that the only arms or guns are two single barrel pistols, and about ¼ lb. each of powder and shot, are all the ammunition on board.

32d interragate. To the thirty-second interrogatory deponent answers, that vessel and cargo were destined to New Orleans; the vessel belonged to the parties named in the register, and the cargo in accordance with the bills of lading, so far as he knows.

1st additional interrogate. To the first additional interrogatory deponent answers, that she had not sailed under any convoy; she had no instructions of the kind.

18 2d additional interrogate. To the second additional interrogatory deponent answers, that had not attempted to enter any blockaded port.

3d additional interrogate. To the third additional interrogatory deponent answers, that when she was first by the officer from the Massachusetts she was lying at anchor; she run ashore about half past twelve at night, and just gotten afloat; she had sailed on a southwest by west course during the last twelve hours previous to going ashore; she had drifted to the northward and eastward by the current during the previous twenty-four hours.

She was sailing that course to enter the mouth of the Mississippi river by the Pass á l'Outre.

(Signed) BENJ. S. HALLOCK.

Sworn and subscribed to before me, this 17th day of July, 1861.

GEORGE D. ALLEN,
Prize commissioner.

19 Deposition of Gibson Bedell, a witness produced, sworn, and examined in preparatorio on the 20th day of July, in the year 1861, at the clerk's office of the United States district court, at Key West, on the standing interrogatories established by the district court of the United States for the southern district of Florida.

The said witness having been produced for the purpose of such examination by W. R. Clark, of the United States navy, in behalf of the captors of a certain ship or vessel called the Pilgrim.

1st interrogate. To the first interrogatory deponent answers, that his name is Gibson Bedell; born at Hempstead, Long Island, New York; is a citizen of the United States; resides and has always made his residence at Hempstead, State of New York; is not married.

2d interrogate. To the second interrogatory deponent answers, that he was *was* present at the time of seizure; she had no commission; she was a merchant vessel.

3d interrogate. To the third interrogatory deponent answers, that she was near Pass á l'Outre of the Mississippi river on the 7th day of July instant; understood she was seized because the port was blockaded, and that she belonged to New Orleans; she was carried to the port of Key West; she sailed under the American flag;
20 she had also a Pelican flag, ship's burgee, jack, and pennant, and the former owner's private signal, with the letter H on it; first saw the Pelican flag at Mobile on this vessel the day that Louisiana was reported to have seceded from the Union. It was hoisted on several occasions, especially the day she proceeded to sea from Mobile. The captain remarked that the officer in command of the fort at the entrance of the harbor of Mobile would salute it as she passed out. It was hoisted at Havre, and may have been at Bordeaux. It was not hoisted to his knowledge on the passage home. No resistance was made to the seizure; she was seized by the ships-of-war Brooklyn and Massachusetts; one merchant vessel lay in sight on the bar at the time; think she was a Prussian merchantman.

4th interrogate. To the fourth interrogatory deponent answers, that Benjamin S. Hallock is the master of said vessel; has known him since first joining the vessel, some eight or nine months since; does not know who appointed him to the command of the vessel, or when or where; heard the master say he resided in New York city; does not know his fixed place of abode; believe he is married; does not know where his family reside.

5th interrogate. To the fifth interrogatory deponent answers, that she is about three hundred and seventy-five tons burthen; she had six men before the mast, two mates, cook, boy, and master,
21 making eleven all told; all came on board at New York except one seaman at Mobile and boy at Bordeaux; all shipped by order of the master.

6th interrogate. To the sixth interrogatory deponent answers, that he had heard the captain say that he owned a part of the vessel; he belonged to the vessel as mate; has known her eight months or more; first saw her in New York; she was reported to be a Mystic built vessel.

7th interrogate. To the seventh interrogatory deponent answers, that the name of said vessel is the Pilgrim; never knew her by any other name; never saw her papers; she sailed from New York for Mobile about the 19th of November, 1860, touched at Key West about the 8th of December, and arrived at Mobile about the 14th of

December; discharged her cargo, repaired, and took in cargo for Havre, France; sailed from Mobile about the 3d day of February, 1861; arrived at Havre March 7th, 1861; discharged at Havre; left for Bordeaux on the 24th March, 1861; arrived at that place on the 2d of April; took in cargo for New Orleans, dropped from moorings down the river May 1st, and went to sea on the 9th day of same month; arrived at Pass á l'Outre on the 7th day of July, 1861; the voyage would have ended on her arrival at New Orleans, if the vessel had not been seized.

8th interrogate. To the eighth interrogatory deponent an-
22 swers, that she carried an assorted cargo of merchandize from New York for Mobile; from Mobile to Havre she carried a cargo of cotton; from Havre to Bordeaux she was in ballast; from Bordeaux she had a cargo of wines, brandy, and some assorted cargo; two boxes of wine have been taken out.

9th interrogate. To the ninth interrogatory deponent answers, that he does not know who were the owners, but had heard that Creevy & Farewell, of New Orleans, and the captain and some other parties North owned the vessel since she sailed from Mobile in February last.

10th interrogate. To the tenth interrogatory deponent answers, that he knows nothing of the matter in question.

11th interrogate. To the eleventh interrogatory deponent answers, that the cargo was all put on board at Bordeaux, but at several different times.

12th interrogate. To the twelfth interrogatory deponent answers, that he does not remember the names of the shippers of the cargo, or of the several consignees; does not know what countrymen the shippers are, but thinks they are French; does not know what countrymen the consignees are; does not know on whose account and risk the cargo was shipped.

13th interrogate. To the thirteenth interrogatory deponent an-
swers, that he does not know anything about the bills of
23 lading.

14th interrogate. To the fourteenth interrogatory deponent answers, that he does not know.

15th interrogate. To the fifteenth interrogatory deponent answers, that he heard from the captain that there was a charter made for the vessel, but does not know the terms.

16th interrogate. To the sixteenth interrogatory deponent answers, that she had the papers as found on board at the time of seizure; never saw any burnt up, thrown overboard, or destroyed.

17th interrogate. To the seventeenth interrogatory deponent answers, that she had never before been seized to his knowledge.

18th interrogate. To the eighteenth interrogatory deponent answers, only the loss of wages; has not received any satisfaction or indemnity, or promise thereof from any one.

19th interrogate. To the nineteenth interrogatory deponent answers, that he does not know about any insurance.

20th interrogate. To the twentieth interrogatory deponent answers, that he does not know.

21st interrogate. To the twenty first interrogatory deponent answers, he does not know, but thinks it was the growth and manufacture of France.

22d interrogate. To the twenty-second interrogatory deponent answers, that all the cargo was taken on board from lighters.

23d interrogate. To the twenty-third interrogatory deponent answers, that he does not know anything concerning any of said papers.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that he saw some papers in the hands of the boarding officer from the Brooklyn; does not know what they were, or what became of them.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that two boxes were taken out of the main hatch by order of Captain Hallock; after she had been captured, and whilst on the passage from Pass á l'Outre to Key West, captain Hallock stated that it was ordered by the prize master, Mr. Clark.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that twenty-five, and all French names, as on the passenger list; does not know their profession or occupation; they came on board at Bordeaux and Pouillac, on the river; no passengers secreted; no soldiers or mariners on board; no citizens of the United States, except among the crew.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he does not know anything concerning the papers mentioned.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he has signed the usual receipts for the cargo on coming on board, and nothing further.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that the vessel was at anchor when she was captured; her course had been direct from Bordeaux towards New Orleans; she was within one or two miles of the bar of the Mississippi, at Pass à l'Outre; her course had not been changed from the most direct to New Orleans.

30th interrogate. To the thirtieth interrogatory deponent answers, that after coming out of Mobile heard the captain say that a part of her had been sold to Creevy & Farewell, of New Orleans; does not know anything further in regard to the matter in question.

31st interrogate. To the thirty-first interrogatory deponent answers, that two pistols and a part of a canister of powder were all he knows of on board.

32d interrogate. To the thirty-second interrogatory deponent answers, that he has no farther knowledge or belief that they are different from what is shown by the papers found on board.

1st additional interrogate. To the first additional interrogatory deponent answers, she had no convoy, nor any instructions of the kind, to his knowledge.

2d additional interrogate. To the second additional interrogatory deponent answers, that she had not attempted to enter any blockaded

port, but found the port of New Orleans blockaded on her arrival at the mouth of the Mississippi river; was then told she could
26 not enter that port; on the Bahama Banks spoke a boat which reported that the ports south were all blockaded, or were about to be blockaded; and obtained a newspaper from the boat; the paper was a New York daily.

3d additional interrogate. To the third additional interrogatory deponent answers, that the vessel was at anchor when she was seized; she had gotton on shore during the night, and had gotten afloat in the morning; soon after was boarded by the officers from the Massachusetts; she was steering, when she ran *on* ashore, southwest by west; she had been on that course since six o'clock on the afternoon previous; the wind was south-southeast, from six o'clock to twelve; the prevailing winds and current had set the vessel to the northward and eastward, in going up towards the mouth of the Mississippi river; during the day previous to capture was working a westerly and southerly course, to enter the Mississippi river; she got on shore in the night, none of the light-houses being lighted up.

(Signed) GIBSON BEDELL.

Sworn and subscribed to before me, this 20th day of July, 1861.

GEORGE D. ALLEN,
Prize commissioner.

27 Deposition of William Tolfree, a witness produced, sworn, and examined in preparatorio, on the 22d day of July, in the year 1861, at the clerk's office of the United States district court, at Key West, on the standing interrogatories established by the district court of the United States for the southern district of Florida. The said witness having been produced for the purpose of such examination by W. R. Clark, of the United States navy, in behalf of the captors of a certain ship or vessel called the Pilgrim.

1st interrogate. To the first interrogatory deponent answers, that his name is William Tolfree; born in Canterbury, England; has sailed in American vessels from different ports of the United States, for the last ten years; is not married; is a subject of the Queen of Great Britain and Ireland.

2d interrogate. To the second interrogatory deponent answers, that he was present at the taking of the vessel; she is a merchantman; had no commission.

3d interrogate. To the third interrogatory deponent answers, that she was near the Pass á l'Outre entrance to the Mississippi river; seized on 7th day of this month; did not hear under what pretence she was sized; she was taken to the port of Key West; she hoisted the American ensign when the steamer Massachusetts came towards us; had not hoisted colors before, after approaching land; she
28 had a jack, burgee, a private signal with the letter H, pennant, and a Pelican flag; does not know why she had the Pelican flag; it was hoisted each day for some three or four days before we left Mobile; she sailed from Mobile with the Pelican flag

flying; did not exhibit the American flag in going out from Mobile; no resistance was made to the seizure; was seized by the steamer Massachusetts; believe she is a vessel of war; saw two ships, one of them proved to be the Brooklyn, the other was a Breman merchantman.

4th interrogate. To the fourth interrogatory deponent answers, that the master's name is Benjamin S. Hallock; has known him since November last; does not known anything further of the matter in question.

5th interrogate. To the fifth interrogatory deponent answers, that she is about three hundred and seventy-five tons; she carried a master, two mates, six seamen, cook, and cabin boy; five of the seamen shipped at New York, one at Mobile; the cabin boy, at Bordeaux; does not know who shipped the men.

6th interrogate. To the sixth interrogatory deponent answers, that he does not known whether either master or others on board had any interest in either vessel or cargo; he belonged to the vessel—was second mate; first saw her at New York, in November last; does not know where she was built.

29 7th interrogate. To the seventh interrogatory deponent answers, that her name is the Pilgrim; has not heard her called by any other name; he never saw her papers. The voyage began at New York in November last; sailed for Mobile; touched at Key West, having gotten ashore on the Florida reef. Arrived at Mobile in December last; sailed from Mobile for Havre, France, about the last of January or first of February of the present year; arrived at Havre in March; sailed from Havre for Bordeaux; sailed from Bordeaux for New Orleans the beginning of May last. The voyage would have ended at New Orleans had she not been captured.

8th interrogate. To the eighth interrogatory deponent answers, that she carried from Mobile to Havre a cargo of cotton; from Havre to Bordeaux she was in ballast; from Bordeaux she carried a cargo of wine and liquors; none of the latter has been unladen.

9th interrogate. To the ninth interrogatory deponent answers, that he does not know who owns the vessel.

10th interrogate. To the tenth interrogatory deponent answers, that he does not know of any bill of sale or conditions for transfer of the vessel.

11th interrogate. To the eleventh interrogatory deponent answers, that the lading was all put on board at Bordeaux.

12th interrogate. To the twelfth interrogatory deponent answers, that he does not know the shippers or consignees, nor on
30 whose account and risk the cargo is.

13th interrogate. To the thirteenth interrogatory deponent answers, that he does not know anything about the bills of lading.

14th interrogate. To the fourteenth interrogatory deponent answers, that he does not know of any such papers having been sent to the United States.

15th interrogate. To the fifteenth interrogatory deponent answers, that he does not know whether there was a charter party or not.

16th interrogate. To the sixteenth interrogatory deponent answers, that he does not know what papers were on board ; none were destroyed or burnt to his knowledge, or concealed or thrown overboard.

17th interrogate. To the seventeenth interrogatory deponent answers, that she had never before been seized to his knowledge.

18th interrogate. To the eighteenth interrogatory deponent answers, that he would only lose the wages his due ; has not received any indemnity, satisfaction, or promise thereof from any one.

19th interrogate. To the nineteenth interrogatory deponent answers, that he knows nothing about the insurance on the vessel or cargo, whether insured at all or not.

20th interrogate. To the twentieth interrogatory deponent answers, that he does not know who would have become the owners of the cargo on its being unladen.

21st interrogate. To the twenty-first interrogatory deponent
31 answers, that he believes the cargo is of the growth and manufacture of France.

22d interrogate. To the twenty-second interrogatory deponent answers, that the cargo was put on board from lighters at Bordeaux.

23d interrogate. To the twenty-third interrogatory deponent answers, that he does not know of any papers anywhere of the kind.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that he does not know of any papers having been taken from the vessel.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that the main hatch was opened by the officers at the time of making the seizure to examine the cargo. Two boxes of wine were taken out whilst on the way from Pass à l'Outre to Key West, in presence of the prize master and Capt. Hallock; does not know by whose order.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that there were twenty-five passengers on board ; none secreted ; does not know their names ; all French ; does not know their rank; twenty-three of them were men and boys, and two women, bound from Bordeaux to New Orleans ; does not know upon what business. There were no soldiers or mariners secreted on board; no citizens of the United States, except those who belonged to
32 the vessel.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he knows nothing of the bills of lading, charter parties, invoices, or any other papers relating to the vessel or cargo.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he has not written or signed any papers of any kind relating this vessel or cargo.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that she was going to New Orleans, but had gotten ashore about half-past twelve o'clock at night, on the night of the 6th of July; we were getting her off when we discovered the steamship Massachusetts at daylight ; she had no opportunity to change the course ; he

believes she pursued her direct course towards New Orleans, all of the way, as near as the wind would permit; she had gotten over to the easterly of the mouth of the Mississippi river, he believes, in consequence of the current. Does not believe her course was altered towards any other port or place.

30th interrogate. To the thirtieth interrogatory deponent answers, that he only knows that the captain showed a Mobile paper, announcing that she sailed under the Pelican flag, and had changed owners; that Creevy & Farewell, of New Orleans, had bought part or all of the vessel; does not remember which; did not state any consideration for the vessel.

31st interrogate. To the thirty-first interrogatory deponent answers, that she had no arms or ammunition on board, except
33 two pistols belonging to the captain.

32d interrogate. To the thirty-second interrogatory deponent answers, that the vessel and cargo were destined to New Orleans; but does not know who were the true owners of either.

1st additional interrogate. To the first additional interrogatory deponent answers, that she had no convoy, or instructions to avoid capture, to his knowledge.

2d additional interrogate. To the second additional interrogatory deponent answers, that she was bound to New Orleans, but found that port blockaded; she did not attempt to enter any other port after leaving Bordeaux; first heard of the port of New Orleans being blockaded when on the Bahama Banks, near the Berry Islands, by some negroes, who came off in a boat and stated that a vessel was in Nassau, which had been to New Orleans, but could not enter that port because it was blockaded; they brought a New York paper, the Herald, of about the date of May 21st, on board; the vessel pursued her course towards New Orleans; she was seized at Pass á l'Outre, as before mentioned.

3d additional interrogate. To the third additional interrogatory deponent answers, that she was ashore when captured, at about half past five or six o'clock in the morning of July 7th; she ran ashore about half past twelve at night; she had been steering about a south-
west by west course, till she ran ashore; she had been on that
34 course about two hours or more: her previous course was about southwest by west half west; the captain ordered her course changed about ten o'clock on the night of the 6th of July, but does not know why; she had been pursuing a westerly and southerly course during the day.

(Signed) WILLIAM TOLFREE.

Sworn and subscribed to before me, this 22d day of July, 1861.

GEORGE D. ALLEN,
Prize commissioner.

35 Deposition of James Bannerman, a witness produced, sworn, and examined in preparatorio, on the 22d day of July, in the year 1861, on the standing interrogatories established by the district

court of the United States for the southern district of Florida, at the clerk's office, Key West. The said witness having been produced for the purpose of such examination by W. R. Clark, of the United States navy, in behalf of the captors of a certain ship or vessel called the Pilgrim.

1st interrogate. To the first interrogatory deponent answers, that his name is James Bannerman; born in Scotland; has sailed out of the port of New York for the last five or six years; is not married; is a subject of the Queen of Great Britain and Ireland.

2d interrogate. To the second interrogatory deponent answers, that he was present when the Pilgrim was seized; she was a merchant vessel; had no commission, to his knowledge.

3d interrogate. To the third interrogatory deponent answers, that she was near Pass á l'Outre of the Mississippi river when she was seized on the morning of the 7th day of July; heard she was seized because she was trying to run the blockade; she was brought to the port of Key West; she hoisted the American ensign when she discovered a steamer coming towards her; she had a jack, burgee, and a Pelican flag; she hoisted the Pelican flag, and changed the name on her stern to New Orleans, instead of New York, about the
36 month of January last; she came out of Mobile with a Pelican flag flying, early in February; the men before the mast all wanted to leave her at Mobile, because she had changed her place of hailing. The captain spoke of the Pelican flag as being "his flag;" it was hoisted at Havre and Bordeaux at the main on Sundays, and at the same time the American ensign at the mizzen; no resistance was made to the seizure; she was seized by the ship-of-war Brooklyn and another steamer; saw a Bremen merchantman lying on the bar.

4th interrogate. To the fourth interrogatory deponent answers, that Capt. Hallock was master of the Pilgrim; has known him the last eight months, which time he has been on the vessel; does not know whether the captain is married or not.

5th interrogate. To the fifth interrogatory deponent answers, that she is from three to four hundred tons; she had a captain, two mates, cook, and cabin boy, and six men before the mast; five of the men before the mast shipped in New York, one in Mobile; those who shipped in New York were shipped by a shipping-master; were shipped to go to Mobile, and thence to any port the vessel might go and return to the United States, not exceeding six months, as we were told by the shipping-master; does not know about the others, except that one came on board at Mobile, and the cabin boy at Bordeaux.

37 6th interrogate. To the sixth interrogatory deponent answers, that he does not know that any one board had any interest in either vessel or cargo; he was a seaman on board of her when she was seized; first saw her in November last at New York; does not know where she was built.

7th interrogate. To the seventh interrogatory deponent answers, that her name is the Pilgrim; never knew her by any other name;

19

Mr Justice Field

SUPREME COURT OF THE UNITED STATES.

No. ~~285.~~ 177. 113.

THE UNITED STATES, APPELLANTS,

vs.

BENJAMIN S. HALLOCK, CLAIMANT OF THE BARK "PILGRIM," AND CARGO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

GOVERNMENT PRINTING OFFICE.

Decided by Judge Grier.

he never saw her papers. The voyage began at New York in November last; she got on the Florida reef and came into Key West; thence she went to Mobile; thence she went to Havre, France; thence to Bordeaux; thence she sailed *she sailed* for New Orleans, where the voyage would have ended had she not been seized. She was last from Bordeaux, France, when seized.

8th interrogate. To the eighth interrogatory deponent answers, that from New York to Mobile she carried a general cargo of merchandise; from Mobile to Havre, cotton; from Havre to Bordeaux, ballast; from Bordeaux a full cargo of wines and liquors for New Orleans, which is still on board; no part of the same has been unladen.

9th interrogate. To the ninth interrogatory deponent answers, that he does not know who were the owners of the vessel at the time of seizure.

10th interrogate. To the tenth interrogatory deponent answers, that he does not know anything about the sales or transfers of the vessel.

38 11th interrogate. To the eleventh interrogatory deponent answers, that all the cargo was put on board at Bordeaux.

12th interrogate. To the twelfth interrogatory deponent answers, that he does not know who were the shippers or consignees, or on whose account and risk the cargo was put on board.

13th interrogate. To the thirteenth interrogatory deponent answers, that he never saw any of the bills of lading, and knows nothing about them.

14th interrogate. To the fourteenth interrogatory deponent answers, that he does not know of any such papers being in the United States.

15th interrogate. To the fifteenth interrogatory deponent answers, that the mate told the crew that the vessel was chartered at Havre to take a cargo for New Orleans.

16th interrogate. To the sixteenth interrogatory deponent answers, that he does not know what papers were on board when she sailed from Bordeaux; did not see any destroyed, burnt, or secreted, or thrown overboard.

17th interrogate. To the seventeenth interrogatory deponent answers, that she has never before been seized to his knowledge.

18th interrogate. To the eighteenth interrogatory deponent answers, that he has not sustained any loss, except perhaps wages; has not received any indemnity, or satisfaction, or promise thereof from any one.

19th interrogate. To the nineteenth interrogatory deponent answers, that he does not know anything about any insurance on either vessel or cargo.

20th interrogate. To the twentieth interrogatory deponent
39 answers, that he does not know who would have owned the cargo on her arrival at New Orleans.

21st interrogate. To the twenty-first interrogatory deponent

answers, that he cannot tell what growth or manufacture the cargo is, but believes it is French.

22d interrogate. To the twenty-second interrogatory deponent answers, that the cargo was put on board from lighters.

23d interrogate. To the twenty-third interrogatory deponent answers, that he knows nothing about any of the invoices, bills of lading, letters, or other papers concerning the ship or cargo.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that he was told at the time the Pilgrim was seized, that her papers were carried on board the Brooklyn; does not know anything more about the papers.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that the main hatch was opened by the officers who came on board at the time the vessel was taken, to see what supplies she had; he has not seen the hatch open since.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that there were twenty-five French passengers on board; no persons secreted on board; does not know the rank, profession, or business of the passengers.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he knows nothing about any of the papers concerning the vessel, cargo, or passengers.

28th interrogate. To the twenty-eighth interrogatory deponent answers, he has not written or signed any letters or papers concerning either vessel or cargo.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that she was ashore, just about getting afloat; she had no opportunity to change her course; she had sailed from Bordeaux for New Orleans direct, as far as he could judge; she had run up well towards Mobile bay; heard the captain say that he expected to see Sand Island light, one or two nights before going ashore; does not know that her course was altered towards any other port than New Orleans.

30th interrogate. To the thirtieth interrogatory deponent answers, that he knows nothing of any sales or transfers of the vessel, but heard at Mobile that she had been sold to parties in New Orleans.

31st interrogate. To the thirty-first interrogatory deponent answers, that there were two pistols belonging to the captain on board, which were all the arms he knows of; he saw no ammunition.

32d interrogate. To the thirty-second interrogatory deponent answers, that all he knows is that the vessel was bound to New Orleans; does not know who owns either the vessel or cargo.

1st additional interrogate. To the first additional interrogatory deponent answers, that she had no convoy; is not aware of her having any instructions to avoid blockade or capture.

2d additional interrogate. To the second additional interrogatory deponent answers, that she had not attempted to enter any port after leaving Bordeaux till she came to the mouth of the Mississippi river; he heard at Bordeaux, about the time we left, that the American consul would not give papers to any more vessels to southern ports;

41 when we came over the Bahama banks, a boat with negroes came alongside, and several of them came on board; they reported that several English ships had come from the mouth of the Mississippi river to Nassau, and reported that they could not get in, as the port of New Orleans was blockaded; the Pilgrim still kept on her course towards New Orleans; the next day another boat came alongside, and changed some words with the captain; does not know what was said.

3d additional interrogate. To the third additional interrogatory deponent answers, that the vessel was ashore just about getting afloat when she was boarded by the boat from the Brooklyn; from seven to eight o'clock on the evening of the 6th of July he was at the wheel; she headed southwest by west during that time; she had run with all sail on except her studding sails till a squall came on during the forenoon of July 6th; after twelve o'clock she made all sail again except studding sails; about four o'clock she put on studding sails, both top mast and lower mast, with a good breeze; on turning out at twelve o'clock both studding sails were in; within an hour after she went ashore.

Her course had been southwest and southwest by west during the last twenty-four hours before going ashore, so far as he observed.

(Signed) JAMES BANNERMAN.

Sworn and subscribed to before me, this 22d day of July, 1861.

GEORGE D. ALLEN,
Prize commissioner.

42 Deposition of William Kelly, a witness produced, sworn, and examined in preparatorio, on the 22d day of July, 1861, at the clerk's office of the United States district court, Key West, on the standing interrogatories established by the district court of the United States for the southern district of Florida. The said witness having been produced for the purpose of such examination by W. R. Clark, of the United States navy, in behalf of the captors of a certain ship or vessel called the Pilgrim.

1st interrogate. To the first interrogatory deponent answers, that his name is William Kelly; born in Ireland; has made his home in Brooklyn during the last eight years; is a citizen of the United States; is not married.

2d interrogate. To the second interrogatory deponent answers, that he was present when the Pilgrim was seized; she is a merchantman; had no commission to his knowledge.

3d interrogate. To the third interrogatory deponent answers, that she was taken near the mouth of the Mississippi river on the 7th day of July; does not know why she was seized; she had the American colors up the morning she was seized, Union down; she had hoisted the Pelican flag in Mobile about the time "New Orleans" was painted on her stern; she carried Pelican flag when she left the port of Mobile for Havre; the Pilgrim was brought to Key West after being

seized; no resistance was made to the seizure; she was seized
43 by the Brooklyn and Massachusetts; saw a Dutch ship at the time.

4th interrogate. To the fourth interrogatory deponent answers, that the name of the master is Captain Hallock; he has known him about eight months, being that time attached to the Pilgrim; does not know anything more concerning the matter in question.

5th interrogate. To the fifth interrogatory the deponent answers, that she is about four hundred tons; she had six men before the mast; five came on board at New York and one at Mobile; he shipped at the shipping office in New York.

6th interrogate. To the sixth interrogatory deponent answers, that he does not know of any one on board having any interest in either vessel or cargo; he belonged to the vessel; was before the mast; he has known the vessel eight months; does not know where she was built; first saw her in New York.

7th interrogate. To the seventh interrogatory deponent answers, that her name is the Pilgrim; has not known of her having any other name. The voyage began at New York; thence to Mobile; touched into Key West; from Mobile she went to Havre; from Havre to Bordeaux; from Bordeaux she sailed for New Orleans, where the voyage would have ended had she not been seized.

8th interrogate. To the eighth interrogatory deponent answers, that from Mobile to Havre she carried cotton; from Bordeaux she brought brandy and wine; none of the cargo from Bordeaux
44 has been taken out, except two boxes of wine.

9th interrogate. To the ninth interrogatory deponent answers, that he does not know who were the owners.

10th interrogate. To the tenth interrogatory deponent answers, that he does not know anything about the sales or transfers of the vessel.

11th interrogate. To the eleventh interrogatory deponent answers, that the cargo was all put in at Bordeaux.

12th interrogate. To the twelfth interrogatory deponent answers, that he does not know who shipped the cargo, or to whom it was consigned, or at whose account and risk.

13th interrogate. To the thirteenth interrogatory deponent answers, that he does not know about the bills of lading; never saw them.

14th interrogate. To the fourteenth interrogatory deponent answers, that he does not know anything about the papers.

15th interrogate. To the fifteenth interrogatory deponent answers, that he does not know whether there was a charter party or not.

16th interrogate. To the sixteenth interrogatory deponent answers, that he never saw any of her papers.

17th interrogate. To the seventeenth interrogatory deponent answers, that he does not know whether she was ever before seized or not.

18th interrogate. To the eighteenth interrogatory deponent answers, that he would only lose his wages; has not been promised any indemnity or satisfaction thereof for the same.

45 19th interrogate. To the nineteenth interrogatory deponent answers, that he does not know whether the vessel *or* cargo are insured or not.

20th interrogate. To the twentieth interrogatory answers, that he does not know who the cargo would belong to.

21st interrogate. To the twenty-first interrogatory deponent answers, he believes it is French growth and manufacture.

22d interrogate. To the twenty-second interrogatory deponent answers, that the cargo was put on board from lighters.

23d interrogate. To the twenty-third interrogatory deponent answers, that he does not know anything about the papers in question.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that he does not know of any papers having been taken from the vessel.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that two boxes were taken out from the main hatch while coming down from the Brooklyn to Key West.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that there were twenty-five French passengers; no one secreted on board.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he knows nothing about the papers of the vessel, or cargo, or passengers.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he has not written or signed any letters or papers concerning the vessel or cargo.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that she was ashore; she appeared to have gone direct
46 from Bordeaux towards New Orleans; cannot tell whether she went too far east or not to enter the Mississippi river by the shortest route.

30th interrogate. To the thirtieth interrogatory deponent answers, that he knows nothing about any sales or transfers of the vessel.

31st interrogate. To the thirty-first interrogatory deponent answers, that only two pistols on board.

32d interrogate. To the thirty-second interrogatory deponent answers, that all he knows is, the vessel was bound to New Orleans with her cargo.

1st additional interrogate. To the first additional interrogatory deponent answers, she had no convoy or instructions to his knowledge.

2d additional interrogate. To the second additional interrogatory deponent answers, that the Pilgrim did not attempt to enter any port but New Orleans after leaving Bordeaux; on the Bahama banks two boats came off to us, and heard something about a blockade; the vesssel went on towards New Orleans

3d additional interrogate. To the third additional interrogatory deponent answers, that she was ashore when captured; she had both studding sails set part of the day and evening; does not remember

her course; most of the time during the day and at night had a pleasant breeze.

(Signed) WILLIAM his + mark. KELLY.

Sworn and subscribed to before me, this 22d day of July, 1861.

GEORGE D. ALLEN,
Prize commissioner.

47 Deposition of Hugh Daily, a witness produced, sworn, and examined in preparatorio, on the twenty-third day of July, in the year 1861, at the clerk's office of the United States district court, Key West, on the standing interrogatories established by the district court of the United States for the southern district of Florida.

The said witness having been produced for the purpose of such examination by W. R. Clark, of the United States navy, in behalf of the captors of a certain ship or vessel called the Pilgrim.

1st interrogate. To the first interrogatory deponent answers, that his name is Hugh Daily; born in Scotland, borough of Renfew; has made his home at that place; is married; family resides at Renfew, Scotland.

2d interrogate. To the second interrogatory deponent answers, that he was present when the Pilgrim was seized; she had no commission.

3d interrogate. To the third interrogatory deponent answers, that she was taken near Pass á l'Outre, of the Mississippi river. She was seized because she was trying to run the blockade, as he was told by the officers from the Brooklyn; she was then brought into the port of Key West. When the steamer Massachusetts run down towards us, we hoisted the American ensign; she had a Louisiana flag with a

48 Pelican on it, and a burgee, jack, and signal with H; she had the Pelican flag to hoist when the State of Louisiana was reported to have gone out of the Union; also was hoisted almost every day when in Mobile afterwards; she went to sea from Mobile with the Pelican flag flying; no resistence was made to the seizure; she was seized by the ships-of-war Brooklyn and Massachusetts; a Bremen ship was lying on the bar.

4th interrogate. To the fourth interrogatery deponent answers, that Benjamin S. Hallock was master; has known him about fourteen months; does not know who put him in command of the vessel, or when or where; has heard the captain say his family lived about New York; he believes the captain is married.

5th interrogate. To the fifth interrogatory deponent answers, that the Pilgrim is from three to four hundred tons burthen; she carried captain, two mates, six men before the mast, cook, and cabin boy; the mates and five seamen joined the vessel in New York; one man in Mobile; the boy at Bordeaux; don't know who shipped them.

6th interrogate. To the sixth interrogatory deponent answers, that he has heard the captain say that a part of the vessel belonged to him; no one else (on board) he believes had any interest in either vessel or cargo; he belonged to the vessel; was cook; has known

her about fourteen months; first saw her at New Orleans where he joined her, in May, 1860, and went in her to Bordeaux, and thence to New York; has been in her all the time she has been to sea since he first knew her; does not know where she was built at.

7th interrogate. To the seventh interrogatory deponent answers, that her name was the Pilgrim, of New York, when he first joined her; her place of hailing was changed to New Orleans, when at Mobile, about the last of January or first of February last; he never examined her papers. The last voyage began at New York in November last; she sailed for Mobile; got ashore on the Florida reef, and came into Key West; thence proceeded on to Mobile; discharged and repaired; took in cargo and sailed for Havre in February; arrived at Havre and discharged cargo, and took in ballast; thence she went to Bordeaux, where she took in a cargo for New Orleans, where the voyage would have ended had the vessel not been seized. She left Bordeaux about the first of May; she dropped down the river, and lay some days before going to sea.

8th interrogate. To the eighth interrogatory deponent answers, that she carried a general cargo of merchandise and a large quantity of powder in the forward cabin, from New York to Mobile; from Mobile to Havre she carried cotton; from Havre to Bordeaux, ballast; from Bordeaux she brought a cargo of wines, brandy, and some assorted cargo; two cases of wine were taken out of main
50 hatch while on the way from Pass à l'Outre to Key West.

9th interrogate. To the ninth interrogatory deponent answers, that he heard that a firm in New Orleans had bought the vessel after leaving Mobile; does not know anything further about the matter in question.

10th interrogate. To the tenth interrogatory deponent answers, that he never saw any bill of sale, and knows nothing any agreement concerning her.

11th interrogate. To the eleventh interrogatory deponent answers, that her cargo was all put on board at Bordeaux.

12th interrogate. To the twelfth interrogatory deponent answers, that he does not know who were the shippers or consignees, or on whose account and risk the cargo was put on board.

13th interrogate. To the thirteenth interrogatory deponent answers, that he does not know anything about the bills of lading.

14th interrogate. To the fourteenth interrogatory deponent answers, that he does not know whether there are any such papers in the United States or not.

15th interrogate. To the fifteenth interrogatory deponent answers, that he heard the captain say, when in Havre, that she was chartered to go to Bordeaux to load for New Orleans; does not know on what terms.

16th interrogate. To the sixteenth interrogatory deponent answers, that he does not know what papers she had; never saw any burnt, torn up, thrown overboard, or secreted, or destroyed.

17th interrogate. To the seventeenth interrogatory deponent answers, that she was never before seized to his knowledge.

18th interrogate. To the eighteenth interrogatory deponent
51 answers, 18*th interrogate. To the eighteenth interrogatory deponent answers*, that he would only lose his wages; no indemnity or satisfaction or promise thereof has been received for the same.

19th interrogate. To the nineteenth interrogatory deponent answers, that he does not know whether either vessel or cargo are insured.

20th interrogate. To the twentieth interrogatory deponent answers, that he does not know who the cargo would have belonged to on the arrival of the vessel in New Orleans.

21st interrogate. To the twenty-first interrogatory deponent answers, that he believes the cargo was of the growth and manufacture of France.

22d interrogate. To the twenty-second interrogatory deponent answers, that the cargo came on board from lighters at Bordeaux, during the month of April last.

23d interrogate. To the twenty-third interrogatory deponent answers, that he knows of no papers any where concerning either vessel or cargo.

24th interrogate. To the twenty-fourth interrogatory deponent answers, the officers who came from on board the Brooklyn took on board the Brooklyn some papers.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that two cases were taken from the main hatch since the capture by order of Mr. Clark, prize master, who told the captain that he would see that it was paid for.

26th interrogate. To the twenty-sixth interrogatory depo-
52 nent 26*th interrogate. To the twenty-sixth interrogatory deponent* answers, that there were twenty-five French passengers, and his, deponent's wife, who was accompanying him; the French passengers were mostly mechanics; no persons were hid away or secreted on board; the French passengers were all bound to New Orleans.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he knows nothing concerning the papers of the vessel, or cargo, or passengers.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he has only signed the shipping articles in New York.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that she was going towards New Orleans when she got ashore at night near Pass á l'Outre; she came up to the easterly of the Pass á l'Outre, rather *to* much towards Mobile; does not know whether she had been headed for Mobile or not.

30th interrogate. To the thirtieth interrogatory deponent answers, that he knows nothing of the sales or transfers of the vessel, or for what sum or consideration, other than the statement, after she left Mobile, of the captain that she had been sold to a firm in New Orleans.

31st interrogate. To the thirty first interrogatory deponent answers,
the only arms on board are two pistols and a part of a canister
53 of powder, and a few shot, all the ammunition.

32d interrogate. To the thirty-second interrogatory deponent answers, that the vessel and cargo were bound to New Orleans, but does not know who the true owners of either are.

1st additional interrogate. To the first additional interrogatory deponent answers, that she had no convoy ; does not know anything concerning the instructions to the master.

2d additional interrogate. To the second additional interrogatory deponent answers, that she had not attempted to enter any port after leaving Bordeaux till she arrived off the mouth of the Mississippi river; she found the mouth of the Mississippi river blockaded; he saw in the Havre and Bordeaux newspapers, whilst the Pilgrim was at Bordeaux, that the United States government were going to blockade the ports of New Orleans, Mobile, and all the other southern ports, and read the same in an English paper which he received at Bordeaux. The statement in the French papers was interpreted to him by an Englishman who could read the French. After passing the Hole in the Wall near the Bahama banks, some boats came alongside of the vessel with fish and shells ; one man gave the captain a newspaper, and told him the port of New Orleans was blockaded.

54 He, the deponent, remarked to the captain one night after this that the "port of New Orleans was blockaded." The captain replied that it made no difference to him. The vessel pursued her course on towards New Orleans, till she was taken or got on shore as mentioned.

3d additional interrogate. To the third additional interrogatory deponent answers, that he was below at the time the vessel run ashore, and does not know her course; she was sailing with all the sails on during the day, except studding sails; the latter part of the day the lower and fore topmast studding sails were set; they were still on at nine o'clock in the evening when he turned in; between twelve and one o'clock at night she run ashore; she was still aground when the boat from the Massachusetts came alongside.

(Signed) HUGH DAILY.

Sworn and subscribed to before me, this 23d day of July, 1861.

GEORGE D. ALLEN,
Prize Commissioner.

55 Deposition of Agnes Daily, a witness produced, sworn, and examined in preparatorio, on the 23d day of July, in the year 1861, at the clerk's office of the United States district court, Key West, on the standing interrogatories established by the district court of the United States for the southern district of Florida.

The said witness having been produced for the purpose of such examination by W. R. Clark, of the United States navy, in behalf of the captors of a certain ship or vessel called the Pilgrim.

1st interrogate. To the first interrogatory deponent answers, that her name is Agnes Daily ; born in Scotland ; always resided in Scotland ; is married.

2d interrogate. To the second interrogatory deponent answers, that she was present at the time of seizure of the vessel.

3d interrogate. To the third interrogatory deponent answers, that she was seized near the mouth of the Mississippi river, about the 7th of this month; heard she was trying to run the blockade; she hoisted the American flag when the steamer came towards the vessel; she had other flags, but does not know why she had them; there were two vessels-of-war which had something to do with taking the vessel; a merchant ship was lying at anchor.

4th interrogate. To the fourth interrogatory deponent an-
56 swers, that Captain Hallock was master of the Pilgrim; first saw him at Bordeaux; does not know anything further concerning the matter in question.

5th interrogate. To the fifth interrogatory deponent answers, that there were six men before the mast; don't know where they joined the vessel; does not know anything more concerning the matter in question.

6th interrogate. To the sixth interrogatory deponent answers, that she does not know of any one on board having any interest in either vessel or cargo; she was on board with her husband, who is cook on board; first saw the vessel at Bordeaux in April; does not know where she was built.

7th interrogate. To the seventh interrogatory deponent answers, that the vessel is called the Pilgrim; she sailed from Bordeaux for New Orleans about the 6th of May.

8th interrogate. To the eighth interrogatory deponent answers, that she had a cargo of wine and brandy from Bordeaux for New Orleans.

9th interrogate. To the ninth interrogatory deponent answers, that she does not know who are the owners of the vessel, or about any sales or transfers of her.

10th interrogate. To the tenth interrogatory deponent answers, that she does not know anything about the bills of sale.

11th interrogate. To the eleventh interrogatory deponent answers, that all the cargo was put on board at Bordeaux.

12th interrogate. To the twelfth interrogatory deponent answers, that she does not know who were the shippers or consignees, nor on whose account and risk it was shipped.

13th interrogate. To the thirteenth interrogatory deponent
57 answers, that she does not know anything about the bills of lading.

14th interrogate. To the fourteenth interrogatory deponent answers, that there are no papers of the kind in the United States to her knowledge.

15th interrogate. To the fifteenth interrogatory deponent answers, that she knows nothing about any charter party.

16th interrogate. To the sixteenth interrogatory deponent answers, that she knows nothing about the papers on board; did not see any burnt, concealed, thrown overboard, or destroyed in any manner.

17th interrogate. To the seventeenth interrogatory deponent answers, that she does not know of her having been seized before.

18th interrogate. To the eighteenth interrogatory deponent answers, that she does not lose anything by the seizure.

19th interrogate. To the nineteenth interrogatory deponent answers, the she knows nothing about the insurance, if any.

20th interrogate. To the twentieth interrogatory deponent answers, that she does not know who the cargo would have belonged to.

21st interrogate. To the twenty-first interrogatory deponent answers, that she believes the cargo was grown and manufactured in France.

22d interrogate. To the twenty-second interrogatory deponent answers, that the cargo was put on board from lighters.

23d interrogate. To the twenty-third interrogatory deponent answers, that she does not know where any of the papers are relating to the vessel or cargo.

58 24th interrogate. To the twenty-fourth interrogatory deponent answers, that she saw an officer from one of the men-of-war take some papers at the time of the capture; she does not know what became of them.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that there were twenty-five French passengers on board.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that she knows nothing concerning any of the papers of the vessel, or cargo, or the passengers.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that she had not written or signed any papers or letters relating to either vessel or cargo.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that she was ashore when the boat from the Massachusetts first came alongside; believes she sailed direct for New Orleans.

30th interrogate. To the thirtieth interrogatory deponent answers, that she knows nothing about any sales or transfers of the vessel.

31st interrogate. To the thirty-first interrogatory deponent answers, that only two pistols *is* all the arms she has seen.

32d interrogate. To the thirty-second interrogatory deponent answers, that she only knows the vessel was going to New Orleans; does not know who were owners of either vessel or cargo.

1st additional interrogate. To the first additional interrogatory deponent answers, that the vessel had no convoy; she does not
59 know anything about what instructions the captain had.

2d additional interrogate. To the second additional interrogatory deponent answers, that she tried to enter the Mississippi river, but she run ashore at night, and was captured the next morning. The mouth of the Mississippi river was blockaded. She heard before going to sea, after dropping down the river from Bordeaux, it would be doubtful about getting to New Orleans. She heard the captain say on the voyage that it was doubtful about their getting to New Orleans. When near the Bahama Islands some boats came alongside of the vessel, and one man told the captain that the port of New Orleans was blockaded, and that two vessels had gone to Nassau because they could not get up to New Orleans, and gave the captain a New York paper, dated in May—thinks the 15th of May; the paper stated about the blockade, and that only so many days were

allowed for vessels to come out, and that no more vessels were allowed to go in. She read the paper herself. The captain afterwards tore the paper up. The captain told the man in the boat that he would go on and see.

3d additional interrogate. To the third additional interrogatory deponent answers, that the vessel was ashore, just about getting afloat, at the time she was captured.

(Signed) AGNES DAILY.

Sworn and subscribed to before me, this 23d day of July, 1861.

GEORGE D. ALLEN,
Prize Commissioner.

60 Deposition of Mathieu Prat, a witness produced, sworn and examined in preparatorio, on the 24th day of July, in the year 1861, at the clerk's office of the United States district court, Key West, on the standing interrogatories established by the district court of the United States for the southern district of Florida; the said witness having been produced for the purpose of such examination by W. R. Clark, of the United States navy, in behalf of the captors of a certain ship or vessel called the Pilgrim.

Marcus A. Olivieri, being sworn well and truly to interpret the interrogatories and answers.

1st interrogate. To the first interrogatory deponent answers, that his name is Mathieu Prat; born in France; has lived in New Orleans the last seven years; has lived there since 1843; is a subject of the Emperor of France; is not married.

2d interrogate. To the second interrogatory deponent answers, that he was on board of the barque Pilgrim when she was seized. She was a merchant vessel.

3d interrogate. To the third interrogatory deponent answers, that she was near Pass à l'Outre about the 7th day of July. Did not know the reason of her seizure; was told she belonged to the South; she was brought to the port of Key West; no resistance was made to the seizure. The vessels which captured the Pilgrim were ships-of-war; saw one Bremen ship in sight at the time.

4th interrogate. To the fourth interrogatory deponent an-
61 swers, that the name of the master was Captain Hallock: he only knows the captain told him that he lived in New York.

5th interrogate. To the fifth interrogatory deponent answers, that she is about three hundred and fifty tons; she had six sailors, mate, and second mate.

6th interrogate. To the sixth interrogatory deponent answers, that he had no interest in the vessel or cargo; he was a passenger on board; first saw the Pilgrim at Bordeaux, about the last of April.

7th interrogate. To the seventh interrogatory deponent answers, that her name is the Pilgrim; he went on board at Bordeaux; she did not go into any port till she was seized.

8th interrogate. To the eighth interrogatory deponent answers, that her lading from Bordeaux was wine and brandy; no part has been unladen.

9th interrogate. To the ninth interrogatory deponent answers, that the captain told him he owned a part, and that the rest belonged to merchants in New Orleans.

10th interrogate. To the tenth interrogatory deponent answers, that he never saw any bills of sale.

11th interrogate. To the eleventh interrogatory deponent answers, that all the cargo was put on board at Bordeaux.

12th interrogate. To the twelfth interrogatory deponent answers, that he believes the cargo was shipped by several different persons at Bordeaux; does not know on whose account and risk.

13th interrogate. To the thirteenth interrogatory deponent answers, that he does not know any thing about the bills of lading.

62 14th interrogate. To the fourteenth interrogatory deponent answers, that he does not know.

15th interrogate. To the fifteenth interrogatory deponent answers, that he thinks there was a charter party; don't know on what terms.

16th interrogate. To the sixteenth interrogatory deponent answers, that he does not know what papers were on board.

17th interrogate. To the seventeeth interrogatory deponent answers, that he does not know.

18th interrogate. To the eighteenth interrogatory deponent answwers, that he loses nothing by the seizure.

19th interrogate. To the nineteenth interrogatory deponent answers, he does not know.

20th interrogate. To the twentieth interrogatory deponent answers, that he does not know.

21st interrogate. To the twenty-first interrogatory deponent answers, that he believes it was all French growth and manufacture.

22d interrogate. To the twenty-second interrogatory deponent answers, that it was put on board from lighters.

23d interrogate. To the twenty-third interrogatory deponent answers, that he does not know of any papers.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that he never saw any papers taken from the vessel.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that the officers who came on board when the vessel was captured opened the hatches.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that twenty-five passengers, all French; he, the depo-

63 nent, is in business in the clothing trade; the others were all going to get employment.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he knows nothing about the papers of the vessel or cargo; the passengers had regular passports as French people.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he has neither written or signed any papers relating to either vessel or cargo.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that she was bound to New Orleans; had gotten ashore near Pass á l'Outre in the night; thinks she went direct for New Orleans.

30th interrogate. (Accidently omitted.)

31st interrogate. To the thirty-first interrogatory deponent answers, that she had no guns or ammunition on board, so far as he knows.

32d interrogate. To the thirty-second interrogatory deponent answers, that he believes the vessel was bound for New Orleans; who owned the vessel or cargo, he cannot say.

1st additional interrogate. To the first additional interrogatory deponent answers, that she had no convoy; he does not know what instructions the captain had.

2d additional interrogate. To the second additional interrogatory deponent answers, that she did not try to enter any port till she got to the mouth of the Mississippi river; when she got to Pass á l'Outre they found the mouth of the Mississippi river blockaded;
64 he first heard about the mouth of the Mississippi river being blockaded when near the Bahama Islands, when some negroes in boats came alongside the vessel, and one of them told the captain that he thought the vessel could not go to New Orleans, on account of the port being blockaded; one of them gave the captain a paper, which was the New York Herald, believes of the date of June 15th; he heard the captain say he would continue on his voyage, as he was not sure of the port being blockaded.

3d additional interrogate. To the third additional interrogatory deponent answers, that he does not know the courses of the vessel.

(Signed) M. PRAT.

Sworn and subscribed to before me, this 24th day of July, 1861.

GEORGE D. ALLEN,
Prize commissioner.

65 Southern district of Florida.

THE UNITED STATES
vs.
THE PILGRIM AND CARGO.
BENJ. S. HALLOCK, claimant. } Prize.

I, George D. Allen, clerk of the district court of the United States for the southern district of Florida, do hereby certify that the foregoing sixty-four pages contain a true transcript of the record of proceedings in admiralty, and depositions taken in preparatorio, in the above entitled cause lately adjudicated in the said court, as appears from the admiralty register and files of the said court kept in my office.

In testimony whereof I have hereunto set my hand and seal of the said court, at Key West, in said district, this fifteenth day
[L. S.] of November, in the year one thousand eight hundred and sixty-one.

GEORGE D. ALLEN, *Clerk.*

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SUPREME COURT OF THE UNITED STATES.

IN PRIZE.

THE UNITED STATES, appellants,
vs.
BENJAMIN S. HALLOCK, claimant of bark "PILGRIM" and cargo. } No. 113.

BRIEF FOR THE UNITED STATES, APPELLANTS.

61

SUPREME COURT OF THE UNITED STATES.

IN PRIZE.

THE UNITED STATES, appellants,
vs.
BENJAMIN S. HALLOCK, claimant of bark "PILGRIM" and cargo. } No. 113.

BRIEF FOR THE UNITED STATES, APPELLANTS.

FACTS OF THE CASE.

This vessel was captured by the United States ship-of-war "Brooklyn" off the mouth of the Mississippi, on her way into the then blockaded port of New Orleans, on the 7th of July, 1861. Three-fourths of the bark was, at the time of capture, owned by Creevy and Farwell, merchants of New Orleans, one-eighth by the claimant, Hallock, the master of the vessel, who resided in the State of New York, and the remainder by two parties, like Hallock, citizens of the United States, and residing respectively in New York and Connecticut. The bark was registered at the port of New Orleans. She sailed from Mobile to Havre on the 29th of January, 1861, with a cargo of cotton; arrived at Havre 7th of March; discharged and sailed for Bordeaux on the 2nd of April; took in an assorted cargo there of wines, liquors, and sundries for New Orleans, and went to sea on the 8th of May, bound for that port as the *terminus* of her voyage. All the cargo was consigned to merchants of New Orleans. Its ownership is not stated, nor for whose account and risk it was shipped. (Rec., fol. 5, 6, 8.)

It appears that at the time the bark sailed from Bordeaux to New Orleans, it was understood on board that the American consul would give no more papers to vessels bound for the ports of the southern States, (rec., fol. 18,) and that it was doubtful whether the bark would get to New Orleans, and the master himself so stated to one of his passengers.—(Rec., fol. 27.) Indeed, one of the crew, while the vessel was still at Bordeaux, had read in the Havre and Bordeaux journals, and also in English newspapers, that the port of New Orleans and all the southern ports were to be blockaded.—(Rec., fol. 25.) But upon this point of the blockade of New Orleans, if any doubt existed at the time of sailing from Bordeaux, it was soon and completely removed. In the course of her voyage, when near the Bahamas, the bark was spoken by a fishing boat, and the master informed that the port of New Orleans was blockaded; that two English vessels had put in at Nassau, because they could not go to New Orleans; and a New York newspaper of the 15th of May was then

given to the master and read by him, containing details of the blockade. The master persisted, however, in his voyage, and continued to make the best of his way to New Orleans, until the capture took place.—(See the concurring testimony of the several witnesses to these facts, at pp. 19, 23, 25, 27, and 30, of the Rec.)

The vessel was libelled in the United States district court at Key West for breach of blockade, and the decree of the court restored the vessel and cargo, on the ground that "sufficient cause for condemnation is not shown." From this decree the United States have appealed. At the last term of this court no appearance was entered for the appellee, and up to the present time, Jan. 1st, 1864, none ha been entered.

POINTS.

First point. Independently of all questions of blockade, it would seem that under the decision of this court, last term, in the cases of the Amy Warwick and Crenshaw, (2nd Black, p. 665,) this vessel and her cargo must be condemned as *enemy property*, so far as owned in New Orleans, and for illicit trading with the enemy, in so far as the bark was owned by citizens of the loyal States. The enemy ownership of three-fourths of the vessel, is clear; and in his claim the claimant states, under oath, that he believes the cargo to belong to its consignees, all of them residing and doing business in New Orleans. No other ownership of any part of the cargo is disclosed or even hinted at in the testimony. It is the familiar rule of law, that cargo in such a predicament is to be considered as the property of the enemy consignee, the capture being equivalent to delivery, even when the shipment, in time of war, is made at the risk of the consignor. (The Sally, 5 Rob., 300; Sally Griffiths, 3 Rob., 302; De Bilboa, 2 Rob., 133.)

Second point. But the breach of blockade in the case is manifest. The master was bound, by what occurred at Bordeaux before he sailed, to know that he would find the port of New Orleans blockaded; and the knowledge of that blockade was clearly brought home to him, when he was at the Bahama banks, by the direct and positive information which he there received. The blockade then became a matter well understood by himself, and notorious among all the ship's company. His persistence in his illicit voyage, after being affected by such knowledge, must under the rule laid down by this court in the case of the Hiawatha (2d Black, *ut. sup.*,) subject the ship and cargo to condemnation. If it be assumed that the master sailed from Bordeaux, without sufficient knowledge of the blockade to subject the property to condemnation, then the knowledge subsequently acquired by him at the Bahamas brings the case fully within the doctrine applied by Lord Stowell in the case of the Columbia, (1 Rob., 154,) and also in that of the Neutralitet, (6 Rob., p. 30.)

Third point. Therefore, the vessel and cargo are liable to condemnation, both as enemy property and for breach of blockade; and the decree of the court below should be reversed.

EDWARD BATES, *Attorney General.*
CHARLES EAMES, *of counsel.*